

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
FRANCIS M. MARTIN	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy to
	:	transport stolen vehicles and
	:	heavy equipment in interstate
	:	commerce - 1 count)
	:	18 U.S.C. § 2314 (interstate
	:	transportation of stolen heavy
	:	equipment - 1 count)
	:	18 U.S.C. §§ 2313 and 21 (receipt and
	:	possession of stolen motor vehicle
	:	- 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Defendant FRANCIS M. MARTIN was a member of the Plasterers' Union who had contacts in the construction business.
2. "Heavy equipment" includes off-road construction equipment that is generally used for commercial purposes and includes skid steer loaders, aerial lifts, and forklifts.
3. "Trucks" include motor vehicles that are generally used for commercial purposes and include box trucks, flatbed trucks, pickup trucks, vans, and other trucks with attached equipment trailers.

THE CONSPIRACY

4. From in or about October 2001 to in or about April 2002, in the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the Districts of New Jersey and Maryland, and elsewhere, defendant

FRANCIS M. MARTIN

conspired and agreed together with Raymond King (charged elsewhere), and Kevin Tucker (charged elsewhere), and others known and unknown to the United States Attorney to commit the following offenses against the United States:

a. to knowingly transport in interstate commerce stolen heavy construction equipment of the value of \$5,000 or more, knowing such equipment to have been stolen, in violation of Title 18, United States Code, Section 2314; and

b. to knowingly receive, possess, conceal, store, sell and dispose of a stolen motor vehicle which crossed a state boundary after being stolen, knowing such vehicle to have been stolen, in violation of Title 18, United States Code, Sections 2313 and 21.

MANNER AND MEANS

It was part of the conspiracy that:

5. Defendant FRANCIS M. MARTIN acted as the middleman in the purchase and resale of stolen heavy equipment and motor vehicles, which had been stolen, transported, and received in interstate commerce by Raymond King and Kevin Tucker.

6. Defendant FRANCIS M. MARTIN discussed with Raymond King the specific types of stolen equipment available for sale.

7. Defendant FRANCIS M. MARTIN sold the stolen heavy equipment and motor vehicles, which had been transported initially to New Jersey following the thefts, to customers located in Pennsylvania and New Jersey.

8. At times, defendant FRANCIS M. MARTIN placed orders with Raymond King for specific types of stolen heavy equipment based on orders defendant MARTIN received from his customers.

9. After being paid by his customers for the stolen equipment and motor vehicles, defendant FRANCIS M. MARTIN paid King directly in cash.

10. Defendant FRANCIS M. MARTIN arranged the purchase and resale of stolen heavy equipment and motor vehicles which had a total value of approximately \$396,945.

OVERT ACTS

In furtherance of the conspiracy, defendant FRANCIS M. MARTIN, and others known and unknown to the United States Attorney, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

Stolen Hyster Forklift

1. On or about October 13-14, 2001, Raymond King and Kevin Tucker stole a Hyster forklift, Model 530XM, valued at \$14,188, from Modern Handling Equipment of New Jersey located in Edison, New Jersey and transported the forklift via a 2000 Ryder rental box truck, valued at \$40,000, which had been stolen from Center City Auto Sales located in Fords, New Jersey, to a location in Williamstown, New Jersey.

2. On or about October 15, 2001 or thereafter, defendant FRANCIS M. MARTIN spoke to Raymond King by phone and discussed the availability of the stolen Hyster

forklift for sale. Defendant FRANCIS M. MARTIN later advised King that he had a customer who was interested in buying the stolen forklift.

3. On or about October 15, 2001 or thereafter, defendant FRANCIS M. MARTIN arranged for the customer's representative to pick up the stolen Hyster forklift from a location in New Jersey and transport it to a business location in Philadelphia, Pennsylvania.

Two Stolen Melroe Bobcat Skid Steer Loaders

_____ 4. On or about November 19-20, 2001, Raymond King and Kevin Tucker stole two Melroe Bobcat skid steer loaders, one Model 763G and one Model 863G, which were valued at approximately \$39,191, from Bobcat of Baltimore located in Baltimore, Maryland and transported them via a 2000 Freightliner rollback truck, FL-80, valued at approximately \$70,000, which was stolen from Modern Equipment Sales and Rental in Baltimore, to a location in Williamstown, New Jersey.

5. On or about November 20, 2001, defendant FRANCIS M. MARTIN spoke by phone with Raymond King and discussed the availability of the two stolen Melroe Bobcat skid steer loaders. Defendant MARTIN told King that he was interested in buying the two stolen skid steer loaders and would send an employee to pick up the two pieces of equipment.

6. On or about November 20, 2001, defendant FRANCIS M. MARTIN, an picked up the two stolen Melroe Bobcat skid steer loaders from the location in Williamstown, New Jersey and transported the equipment via a container truck to a business location in Philadelphia, Pennsylvania.

Three Stolen Daewoo Forklifts

7. On or about November 20-21, 2001, Raymond King and Kevin Tucker stole three Daewoo forklifts, Models G30E, G35S and G30P, which were valued at approximately \$62,103, from Industrial Lift located in Vincentown, New Jersey and transported them via the stolen 2000 Freightliner rollback truck, referred to in overt act 5 above, to a location in Williamstown, New Jersey.

8. Between November 21 and November 26, 2001, defendant FRANCIS M. MARTIN spoke to his customer by phone and discussed the availability of the three Daewoo forklifts for sale. After learning that this customer was interested in buying the stolen forklifts, defendant MARTIN then made arrangements to pick up the equipment.

9. On or about November 25-26, 2001, defendant FRANCIS M. MARTIN's customer picked up two of the stolen Daewoo forklifts from the location in Williamstown, New Jersey and transported via a container truck the two forklifts to a business location in Philadelphia, Pennsylvania in one trip. In a separate trip this customer picked up the larger stolen Daewoo forklift from the location in Williamstown, New Jersey and transported it to the business location in Philadelphia, Pennsylvania.

Two Stolen Scissor Lifts and One Stolen Power Boom Lift

10. On or about December 10, 2001, Raymond King and Kevin Tucker stole two JLG 19-foot electric scissor lifts, Model 1932E2, which were valued at \$20,000, and one JLG 30-foot electric power boom lift, Model E300AJP, which was valued at \$30,000, from United Rentals located in Lower Swatara Township, Pennsylvania and transported them via a 2000 International box truck, valued at \$40,000, which had been stolen from Penske Truck

Leasing located in Lower Swatara Township, in Dauphin County, Pennsylvania, to a location in Williamstown, New Jersey.

11. On or about December 11, 2001 or thereafter, defendant FRANCIS M. MARTIN spoke to his customer by phone to discuss the availability of the two JLG scissor lifts and the JLG power boom lift.

12. On or about December 11, 2001 or thereafter, at the direction of defendant FRANCIS M. MARTIN, the customer picked up the two JLG scissor lifts from a location in Williamstown, New Jersey, and transported the equipment to a business location in Philadelphia, Pennsylvania.

13. On or about December 11, 2001 or thereafter, Raymond King loaded the stolen JLG power boom lift into the stolen 2000 International box truck and delivered the equipment to a business location in Philadelphia, Pennsylvania.

The Controlled Delivery of a Genie Power Boom Lift

14. On or about April 5, 2002, defendant FRANCIS M. MARTIN spoke by phone with Raymond King and discussed the availability of a stolen power boom lift, which had been stored in New Jersey. Defendant MARTIN told King that his customer was interested in purchasing a power boom lift.

15. On or about April 5, 2002, at the direction of defendant FRANCIS M. MARTIN, Raymond King and an undercover New Jersey State Police detective met the customer's representative at an arranged location in Philadelphia, Pennsylvania.

16. On or about April 5, 2002, Raymond King and an undercover New Jersey State Police detective delivered the Genie power boom lift to defendant FRANCIS M.

MARTIN's customer at a business location in Philadelphia, Pennsylvania.

17. On or about April 5, 2002, following the delivery of the stolen Genie power boom lift, defendant FRANCIS M. MARTIN spoke to Raymond King by phone and stated that his customer had complained that the Genie power boom lift was the wrong type of aerial lift and had a number of identifiable markings on it.

Stolen Scat Trak Kubota Skid Steer Loaders

18. On or about January 24, 2002, Raymond King and Kevin Tucker stole two Scat Trak Kubota skid steer loaders, valued at approximately \$33,273, from A. A. Matulry Rental Company located in Raritan Township, New Jersey and transported the equipment using a 1995 Ford Avis box truck, valued at approximately \$35,000, from a Getty gas station located in Flemington, New Jersey.

19. On or about January 24, 2002, defendant FRANCIS M. MARTIN spoke to customer "DH" and discussed the availability of the two Scat Trak Kubota skid steer loaders for sale.

20. On or about January 24, 2002, defendant FRANCIS M. MARTIN accompanied customers "DH and "TH" to a location in Williamstown, New Jersey to view the two stolen Scat Trak Kubota skid steer loaders.

21. On or about January 25, 2002, at the direction of customers "DH" and "TH," Raymond King delivered the two stolen Scat Trak Kubota skid steer loaders to a business located in Eddystone, Pennsylvania.

22. Between February 8, 2002 and April 2, 2002, defendant FRANCIS M. MARTIN spoke to Raymond King by phone on several occasions about purchasing a certain

bucket attachment for one of the stolen Scat Trak Kubota skid steer loaders delivered to customers “DH” and “TH.”

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3 and 5 through 10 of Count One of this information are incorporated here.

2. On or about January 24, 2002, in Philadelphia, in the Eastern District of Pennsylvania, defendant

FRANCIS M. MARTIN

aided, abetted, and willfully caused, the transportation of two Scat Trak Kubota skid steer loaders, valued in excess of \$5,000, in interstate commerce from the District of New Jersey to Philadelphia, Pennsylvania, knowing these two pieces of equipment to have been stolen.

In violation of Title 18, United States Code, Sections 2314 and 2.

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3 and 5 through 10 of Count One of this information are incorporated here.

2. On or about April 5, 2002, in the Eastern District of Pennsylvania, defendant

FRANCIS M. MARTIN

aided, abetted and willfully caused the receipt, possession, concealment and storing of a motor vehicle, that is, a Genie scissor lift, which had crossed a State boundary, that is, from the District of New Jersey to the Eastern District of Pennsylvania, believing the vehicle to have been stolen based on representations made by persons acting at the direction and with the approval of Federal law enforcement officers.

In violation of Title 18, United States Code, Sections 2313, 21 and 2.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371, 2313 and 2314 as described in Counts One, Two and Three of this information, defendant

FRANCIS M. MARTIN

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(5), any and all property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of those violations, including but not limited to the following:

The sum of \$396,945 in United States currency and the following stolen items recovered during the course of the investigation:

2000 Ford Freightliner truck, VIN 1FVXJCB5YHB72883;

Melroe Bobcat skid steer loader, Model 863G, Serial No. 514447574;

2000 International truck, VIN 1HTHBATNXYH255359;

2 JLG scissor lifts, Model 1932E2, Serial Nos. 0200087524 and 0200094549;

2000 Ryder box truck, VIN 1HTSCABM8YH229046;

2001 Hyster forklift, Model 530XM, Serial No. D010H01937;

1994 International truck, VIN 1HTSDAAN3RH568953;

2 Daewoo forklifts, Serial Nos. CX03750 and CB00357;

1995 Ford truck, VIN 1FDNF70J2SVA44282;

2 Kubota Scat Trak skid steer loaders, Serial Nos. 102920 and 100899.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

PATRICK L. MEEHAN
United States Attorney